

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F044255 People v. Stevens

Cause called and argued by Richard Doctoroff, Esq., counsel for appellant. John G. McLean, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Friday, January 7, 2005 at 10:00 A.M.

F045286 In re Brittney G., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F045286 In re Brittney G., a Minor**
The juvenile court's order is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F046346 People v. Gasca**
No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F045939 In re Kristin P. et al., Minors**
No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F046459 People v. Sickler**
No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F046529 West v. Giggey**
No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F043467 Sierra View Local Health Care District v. Sierra View Medical Plaza Associates, LP**
The judgment is reversed. Dawson, J.
We concur: Cornell, Acting P.J.; Gomes, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044601 Dina Farms et al. v. Hartford Fire Insurance Company**
Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed as to Rosa Mendoza only. Each party to bear his or her own costs. The remittitur shall issue forthwith.
- F046071 In re Destiny T., a Minor; Fresno County Department of Children and Family Services v. Alfred T.**

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Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F046071 In re Destiny T., a Minor; Fresno County Department of Children and Family Services v. Alfred T.

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045791 People v. Martinez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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F045791 People v. Martinez

The case is remanded for the trial court to strike the second prior term enhancement and to set Martinez's custody at 408 days. The court shall forward certified copies of the amended abstract of judgment to the appropriate agencies. Martinez has no right to be present at the proceedings on remand which only modify the judgment or amend the abstract of judgment [Citation]. The judgment is otherwise affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044218 People v. Keena

The judgment is affirmed with modifications. Dibiaso, Acting P.J.

We concur: Buckley, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044255 People v. Stevens

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044013 People v. Jones

The judgment is reversed. The trial court shall decide, on the admissible evidence presented by the parties or judicially noticed by the court, whether the information was filed before expiration of the statute of limitations applicable to the crime of which Jones was convicted. The parties may present and argue to the trial court any cognizable theory supported by the evidence. If the trial court concludes the information was timely filed, it will reinstate the present judgment. If the trial court concludes the information was not timely filed, it will enter a judgment of dismissal. Dibiaso, Acting P.J.

We concur: Buckley, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045812 In re S.M., a Minor

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.